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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,482	09/20/2000	WILLIAM SIMPSON-YOUNG	169.1833	7122

5514 7590 07/14/2004

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NEW YORK, NY 10112

EXAMINER

CAPUTO, LISA M

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/666,482	SIMPSON-YOUNG ET AL.	
	Examiner	Art Unit	
	Lisa M Caputo	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32,33,35 and 95-113 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32,33,35 and 95-113 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/9/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 6 April 2004 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 32-33, 35, 95, 103, and 110-113 are rejected under 35 U.S.C. 102(b) as being anticipated by Haneda (U.S. Patent No. 5,461,222).

Regarding claims 32, 35, 103, and 110-113, Haneda teaches a system, method, computer program, and computer readable medium for multiple purpose smart cars that includes a card reader (electronic pocketbook 14) into which said smart card (memory card 20) is insertable, the card reader having a pressure sensitive membrane (touch panel in card key operation section 15) through which at least textual information on a surface of a smart card is visible. In addition, the smart card is adapted for both non-

Art Unit: 2876

computer based and computer based information transfer and comprises textual information (key matrix/symbols on card), an electronic memory (ROM 21 and RAM 22), data (key matrix information) stored in the electronic memory that enables other information associated with the textual information to be presented, dependent upon pressure directed to the inserted smart card and exerted on the pressure sensitive membrane of the card. Further, Haneda teaches a presentation means (display 8) for communicating with the card reader to present other information and a keypad overlay (key board overlay 5 on cover 17) that is positionable over the membrane of the card reader which activates an alternate set of computer interpretable functions corresponding to a layout of selectable indicia or icons on the overlay. Regarding claims 33 and 95, Haneda teaches that the overlay forms part of the card reader and is configured to be removably positionable above the membrane to enable the user selection of one or more alternate set of computer interpretable functions (i.e. cover 17 is connected to an electronic pocketbook body 14 so that it can be opened or closed) (see Figures 1-3, col 1 line 40 to col 3 line 60). Regarding claims 112-113, Haneda teaches that the ROM 21 has an application program (computer program on a computer readable medium) that executes the transfer of information (see col 3, lines 60-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 96-102 and 104-109 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haneda in view of Taylor (U.S. Patent No. 5,530,232). The teachings of Haneda have been discussed above.

Regarding claims 96-102 and 104-109, Haneda fails to specifically teach the embodiment of having a smart card used for booking a place at a venue and accessing venue and business information.

Taylor teaches a multi-application data card. Taylor discloses that FIG. 1 shows a multi-application data card 10 conveniently formed of plastic and containing solid-state circuitry represented schematically at 12 and the name of the authorized card holder. The card 10 is a smart card, and the solid-state circuitry 12 includes a microprocessor and memory chips embedded within the card. The memory chips hold the equivalent of several typewritten pages of information. An example of some of the data recorded on the card is shown in FIG. 1. Thus a number of applications, including American Express, Visa, Master Charge, Discovery, various oil companies, various hotels, and

various airlines, may be recorded together with a PIN (personal identification number), the account number, expiration date, account (or access or vendor) code, and various records for each of the separate accounts, plus miscellaneous data. The account, access or vendor code is a special code of each vendor which lets that vendor alone change data on the vendor's portion of the card. The records column includes, for example, frequency data, bonus point tie-ins with multiple vendors, etc. The miscellaneous column is for whatever additional data a particular vendor may wish to record. In FIG. 1, the card 10 may have information printed or embossed, on its face in addition to the name of the card holder. For example, this information may include the address and possibly other information such as the social security number and telephone number of the card holder. The same information can alternatively or additionally be provided in a memory chip embedded in the card 10. This information is available to all: the card holder herself, of course, as well as any vendor to whom the card is presented. Thus this information, without access to the additional information represented in FIG. 1, is sufficient for many purposes, such as awarding coupons to consumers who indicate certain preferences via interactive T.V.

FIG. 2 shows the smart card 10 interacting with a card reader/writer 14 (hereinafter referred to as a card reader for short). The card reader 14 is capable of reading not only the smart card 10, which is inserted into a slot 16, but also a conventional magnetic-stripe card 18, which is inserted into a slot 20. The card reader is capable of writing on a cooperating smart card to update various records thereon. In the case of a magnetic-stripe card, the updating of the records is done at a remote location,

Art Unit: 2876

as explained below. As FIG. 2A shows, it is possible to combine the smart card 10 and magnetic-stripe card 18 into a single multi-application card 22 having a magnetic stripe 19 for reading by a card reader compatible with a magnetic-stripe card and solid-state circuitry 12 for reading by a card reader compatible with a smart card. FIG. 2B shows the reverse side of the card shown in FIG. 2A, including a signature space S. The card reader may combine both reading functions in a single unit, as illustrated in FIG. 2, or separate card readers may be provided, one for reading magnetic-stripe cards and another for reading smart cards. Other examples, which need not be illustrated in the drawing, include duty-free shops, cruise lines, traveller's checks, ticketing, T.V. cable/satellite box (interactive), health care, telephone, foreign currency applications, vending machines, keys, driver's license, insurance data, passport, voice, fingerprint, signature and supermarkets. Not only credit transactions but also debit transactions and non-financial transactions are within the scope of the invention. In any case, the card reader includes first data port means enabling the holder of the card to select a particular application such as American Express, Visa, etc. The first data port means includes for example a keypad 24 by which the holder of the card selects the desired application.

In accordance with the invention, at least three memory banks or storage areas are formed for storing and updating data relating respectively to at least one authorized holder of the card and at least two authorized applications of the card. If the card is a smart card, the memory is located at least in part on the card. On the other hand, if the card is a magnetic-stripe card, the memory is located at least in part remotely from the

reader and connected thereto by a data link. In FIG. 2, the reader 14 is connected by a data link represented schematically at 26 to a remote location 28 including database processing apparatus 30. The processing apparatus 30 can include a mainframe computer and peripheral equipment for receiving and processing information not only from the reader 14 but from numerous similar readers at various locations. Routing authorizations are controlled by circuitry 32 that continuously "talks" to the database processing circuitry 30. These routing authorizations include financial/banking, airlines, hotels, oil companies, etc., as indicated schematically in FIG. 2 at 34, 36, 38 and 40 (here as elsewhere in this disclosure, the listing is intended to be merely illustrative or exemplary and by no means exhaustive). Updates of the information based on the transactions initiated at the reader 14 and similar readers are processed by circuitry 42 and fed back to the circuitry 30. Depending on the transaction, the smart card 10 employed to authorize the transaction can be updated as a result of the transaction. The steps disclosed above can easily be implemented by those skilled in the art upon consideration of this disclosure (see Figures 1-2, col 3 line 47 to col 5 line 11). Hence, Taylor teaches a smart card employable for communication to remote locations and useable for many different consumer purposes (i.e. electronic ticketing including venues, booking information, collecting cards etc. that has a substrate, an electronic memory, and multiple lines of indicium in the form of embossed characters and signatures).

In view of the teaching of Taylor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the smart card system to a

Art Unit: 2876

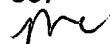
venue selection system because the smart card system is able to provide the user with a comprehensive amount of information (i.e. a plan of the physical layout of the venue, etc.) in order to make a well informed, time efficient decision. It is appropriate to combine Taylor with Haneda because Haneda teaches the system for being able to access information via a smart card (not only the information on the smart card, but additional information via a reader) and Taylor teaches the limitations of the smart card having more specific information (i.e. travel, hotel, etc.), hence by combining these two references a more comprehensive, user friendly system is obtained.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lisa M. Caputo** whose telephone number is **(571) 272-2388**. The examiner can normally be reached between the hours of 8:30AM to 5:00PM Monday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached at **(571) 272-2398**. The fax phone number for this Group is (703) 872-9306.


Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**lisa.caputo@uspto.gov**].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.



LMC

July 10, 2004



MARK TREMBLAY
PRIMARY EXAMINER